

Village of Croton-on-Hudson
Zoning Board of Appeals Meeting of
July 8, 2015

PRESENT: Seth Davis, Chair
Alan Macdonald
Doug Olcott
Rhoda Stephens
Christine Wagner

ALSO PRESENT: Joe Sperber, Assistant Building Inspector

ABSENT: Village Board Liaison

1. CALL TO ORDER:

The Zoning Board of Appeals Meeting of July 8, 2015 was called to order at 8:01 P.M.

2. NEW BUSINESS:

- a) **Evans, Julie, Agent for R. Aaron La Mar – 228 Hessian Hills Road.** Located in a RA-40 District and designated on the Tax Maps of the Village as Section 68.09 Block 4 Lot 5. Request for variance for a proposed carport (accessory structure) that projects nearer to the street on which the principal building fronts than such principal building and which also requires a front yard variance.

Ms. Evans was present to represent the new owner of the property, Mr. La Mar. She explained that the proposed carport requires a significant front yard variance and would be closer to the street than the primary structure. She said the property is heavily wooded and an acre in size. The proposed carport is part of a larger project which includes transforming the old carport into habitable space that would conform to code. She said she had looked into placing the new carport behind the house or in a side yard but these options presented problems: the location of the septic system and the desire to keep a woodland setting (the existing house is tucked away in trees). The proposed new carport would have a shed roof and an open structure.

Chairman Davis asked Ms. Evans if she were to design the carport without the need for a variance, would she have to place it over the septic system. Ms. Evans replied that it would have to be placed nearby the septic system and what is now a woodland area would become a driveway.

Ms. Stephens asked if Ms. Evans had gotten any comments from neighbors, to which Ms. Evans replied in the negative. Chairman Davis added that the Board had not received any comments from any neighbors.

Ms. Wagner asked if the proposed carport will accommodate one or two cars. Ms. Evans said it will be a one-car carport.

In response to Mr. Macdonald's inquire, Ms. Evans said the carport would be at least 5 feet from any property line and would in fact be 27-feet from Hessian Hills Road. She added that in the area there are other carports in front of the houses and Ms. Wagner remarked that, from the street, one mostly sees either a car/carport or a garage on the properties.

With no other questions from the Board, Chairman Davis opened the hearing to the public. Mr. Mark Franzoso, residing at 6 Hixson Road, stepped up to say he supported the project. With no one else stepping forward, the hearing was closed.

Ms. Wagner then made a motion to grant a variance for the proposed carport (accessory structure) that projects nearer to the street on which the principal building fronts than such principal building and to also grant a 45-foot front yard variance for the same proposed carport. Mr. Olcott seconded the motion. The motion passed with a vote of 5 to 0.

- b) Church, Kenneth – 114 Upper North Highland Place.** Located in a RA-40 District and designated on the Tax Maps of the Village as Section 68.13 Block 1 Lot 23. Request for variance for an existing unattached carport/shed (accessory structure) that projects nearer to the street on which the principal building fronts than such principal building and which also requires a front yard variance.

Mr. Church presented the application. He explained that he had purchased the property 3 years ago and that a certificate of occupancy had been issued for the carport/shed prior to his purchase and that no issues were brought up at the time of his purchase. He further explained that prior to the last letter written by the current Village Engineer, the records for the property included property file search letters by the Village Engineer(s) stating there were no violations on the property. He continued to say that the carport/shed is very old (being built around 1956) and therefore the issue has existed for decades.

Chairman Davis reaffirmed that the carport/shed had been built around 1956 and for whatever reason had been placed closer to the street than the primary structure and in the front yard, thereby requiring the two variances.

Ms. Stephens asked what would be the result if the carport/shed were to be taken down and Mr. Church replied that it would not make much of a change to the property, there being another shed behind the primary structure but that he would probably lose the pending sale of the property.

Ms. Stephens followed up with another question as to whether the carport/shed was attached to the house. Mr. Church replied that it was close to the house but not attached.

Next, Chairman Davis opened the hearing to the public. Mr. Mark Franzoso, of 6 Hixson Road, remarked that, being that the carport/shed has been in its location since 1956, he saw no problem with the application. No one else stepped forward and the hearing was closed.

Ms. Wagner then made a motion to grant a variance for the carport/shed (accessory structure) that projects nearer to the street on which the principal building fronts than such principal building and to also grant a 30-foot front yard variance for the same carport/shed which has been in existence since at least 1956. The motion was seconded by Ms. Stephens and the motion passed with a vote of 5 to 0.

- c) Gemmola, Edmond, Agent for James G. Doyle – 379 South Riverside Avenue.** Located in a C-2 District and a Gateway Overlay District and designated on the Tax Maps of the Village as Section 79.13 Block 2 Lot 26. Request for front yard variances for roof overhang for a proposed 3-story mixed occupancy building.

Mr. Gemmola, of Gemmola & Associates was present to represent Mr. Doyle. He began by distributing a copy of a memo addressed to the Village Board of Trustees from the Planning Board Chairman, Robert Luntz, dated September 30, 2014, which addressed the Applicant's special permit application for a mixed occupancy building. Seven photos and various drawings were placed on display. He then gave a brief history of the proposed overall project saying that it had been around for quite a while, during which time ownership of the property had changed and zoning regulations for the Gateway Overlay District in which the property sits have also been modified. One such modification was the new front yard setback requirement of 15 feet for the Gateway Overlay District.

He then concentrated on the reason he was before the ZBA tonight. The proposed project includes a walkway on the north and west side of the building which will have a wide roof overhang to cover the walkway. The roof overhang requires a 5-foot front yard variance on both the Benedict Boulevard frontage and the South Riverside frontage. He asked that the above-referenced memo be incorporated into the application by reference; the memo supports the use of the roof overhang.

Chairman Davis then read from the memo: "...The proposed building is compatible with the orderly development of the zoning district in which it is located and with that of adjacent properties and meet the current zoning requirements except as noted below. The proposed building will have two street frontages on Benedict Blvd and South Riverside Avenue. These two sides of the building will be architecturally important.....The proposed walkway on the north and west side of the building are noted to have wide roof overhangs covering the walkways. The Planning Board believes that the overhangs would be beneficial for pedestrians however, they are not located on the required setbacks and therefore require a variance."

Ms. Stephens asked if there would be any change to the sidewalk along Riverside Avenue. Mr. Gemmola replied that there would be changes to the curb cuts and that the sidewalk in general would be improved, one such improvement would be plantings inside the property line.

Mr. Gemmola then asked the Board if the full 5-foot variance is required or whether the 2-foot allowance for roof overhangs is applicable in this case. Chairman Davis said the allowance only applied to residential properties.

Ms. Stephens then asked about the height of the proposed building. Mr. Gemmola said it would be similar in height to the building next door (373 South Riverside Avenue) when judging from that building's bulkhead and in any event it was below the height limitation of 35 feet.

Mr. Macdonald questioned whether a side yard variance was also needed and after some discussion it was confirmed by Chairman Davis that it was not needed due to the fact the side yard setback in a Gateway Overlay District can be 0 feet. Chairman Davis also confirmed that the full 5-foot variances were needed for the roof overhang.

Chairman Davis opened the hearing to the public. Mr. Mark Franzoso, of 6 Hixson Road, wanted to know how many parking spots will be on the property. Mr. Sperber replied that 19 parking spots are proposed. Mr. Franzoso then remarked that the building looked so much bigger in the photos.

Ms. Evans, still in attendance, remarked that the columns added to the rhythm of the building.

Peter Schuyler, in attendance as a representative for the next application, suggested that signs could be hung from the roof overhang and that they would be easy to see from the road. Mr. Gemmola said the commercial property would be a destination property and therefore the signs would not need to be seen from the highway.

Mr. Macdonald asked what the percentage of the total square footage of the building is for the proposed commercial space and Mr. Gemmola replied that it is 69% amounting to 1766 square feet.

The public hearing was then closed when no one else stepped forward to speak.

Chairman Davis then made a motion to grant a 5-foot front yard variance for both the Benedict Boulevard and the South Riverside Avenue front yard setbacks for the proposed street level roof overhang and its supports. The motion was seconded by Mr. Olcott and the motion passed with a vote of 4 to 1; Chairman Davis, Mr. Olcott, Ms. Stephens, and Ms. Wagner all voting in favor and Mr. Macdonald voting in opposition.

- d) Cappelli, Stephen – 31 Observatory Drive.** Located in a RA-9 District and designated on the Tax Maps of the Village as Section 79.09 Block 7 Lot 35. Request for rear yard variance for a proposed new rear deck.

Mr. Mark Franzoso presented the application for Mr. Cappelli. Peter Schuyler was also at tonight's meeting to represent Mr. Cappelli. Mr. Franzoso explained that he had been approached by the Cappellis to give an estimate to replace the decking and railing of the existing deck and when he came to look at the deck he saw that the footings needed to be replaced also. He suggested to the Cappellis that the deck be squared off as opposed to sticking with its existing zigzag shape. He said he then met with the Village Engineer to get help with the schematic. As a result, a simple variance he said, would be needed to give the Cappellis a slightly larger deck.

Ms. Stephens asked for and got confirmation that the proposed project calls for the entire existing deck to be removed and replaced with a slightly larger one.

In response to Mr. Macdonald's inquiry, Mr. Franzoso said the dimensions of the new deck will be 23 feet in length and 10 feet in width.

Ms. Stephens asked if the original deck had needed a variance and Mr. Franzoso said it did not.

Mr. Schuyler then spoke. He said that this variance request was less than what had been granted for tonight's previous application. He said that the back yard of the Cappelli property is at an angle. Only the corner of the deck needs the variance and the variance is not substantial. He continued to say that the deck could have been rebuilt exactly as it was before but that design had resulted in part of the deck being small and useless. He said the deck would not be visible from the front of the house and only the neighbor to the rear and side would see the deck. The new deck would also improve the look of the back of the house. He wanted it noted that the application included letters of support from neighbors residing at 27, 30, 33, and 34 Observatory Drive.

The hearing was opened to the public. No one stepped forward and the hearing was closed.

A motion was made by Mr. Olcott to grant a 7-foot rear yard variance for the proposed new replacement rear deck. Ms. Stephens seconded the motion. The motion passed with all members voting in favor.

3. APPROVAL OF MINUTES:

Before approving the minutes Chairman Davis said that tonight's meeting would most likely be his last meeting due to his impending relocation out of the Village. He said that he has served the Village over the years in a lot of different capacities but that he enjoyed chairing the Zoning Board the most and that he will miss everyone. Ms. Stephens speaking for the Board, said that the Board will definitely miss Chairman Davis.

Chairman Davis then made a motion to approve the minutes and resolutions as written of the June 17, 2015 Zoning Board of Appeals meeting. The motion was seconded by Ms. Wagner. The motion passed 5 – 0 in favor.

Ms. Stephens wanted it noted that the Village Liaison was absent from tonight's meeting.

4. ADJOURNMENT:

The meeting was adjourned at 9:15 P.M.

Respectfully submitted,

Toni Cruz
Secretary, Zoning Board of Appeals